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Keeping the Polls Open

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THE Voting Rights Act, signed into law 40 years ago today, is often described as the highest achievement of the civil rights movement. It redeemed the soul of democracy by abolishing the legalized hypocrisy of poll taxes and literacy tests, and it freed minorities to elect candidates who better represent their values.

In 1964, there were only 300 black public officials nationwide. Today there are more than 9,100 - including 43 members of Congress. In 1975 the act was expanded to include "language minorities," resulting in nearly 6,000 Hispanic elected officials today, including 27 in Congress. The Voting Rights Act made America a better, more consistent democracy.

Several sections of the act are set to expire in 2007, however. One of the most important is Section 5, which requires that states and localities with a history of voting discrimination submit any changes in their voting systems for review, called "preclearance," by the Justice Department or a federal court. If those changes are found to violate the act, they must be reformulated.

There are some in Congress who suggest that Section 5 is now irrelevant, a relic of an unjust past. Yet there is plenty of convincing recent evidence of insidious attempts to deny some Americans equal access to the voting booth.

For example, the Georgia Legislature passed a law this spring requiring voters to present a government-issued photo identification before voting. This is a significant departure from the state's current law, which allows 17 other forms of identification, including birth certificates and bank statements. This change would have a discriminatory effect on African-Americans, who are far less likely than whites to have a driver's license. To make matters worse, there are only 53 motor-vehicle offices to serve the state's 159 counties. For now, this law cannot take effect without federal approval, but should Section 5 lapse, Georgia voters would lose an important line of defense.

Some states have blatantly disregarded the law. In 1975 Congress added two counties in South Dakota with long histories of discrimination against American Indians to the list of those requiring preclearance of voting laws. Nonetheless, state officials decided not to recognize the federal mandate; over the next two decades, they passed 800 regulations and statutes without submitting them for federal review. As recently as 2002, officials in Buffalo County packed nearly all the county's American Indian majority into a single voting district to ensure that they could control only one seat on the three-member county commission. Relief came in lawsuits filed under the act. As part of a settlement, Buffalo County was forced to admit its rules were discriminatory and to allow federal oversight of future plans.

The Voting Rights Act has also aided "language minorities" in New York City. As a result of lawsuits brought by Puerto Ricans in the 1970's arguing that New York's

English-only ballots discriminated against Spanish-speaking voters, three counties - New York, Bronx and Kings - are now covered under Section 5's federal review regulations. Another section of the act, the "language assistance" provision, is also set to expire in 2007. Litigation based on the provision led to mandated Chinese-language ballots in New York, helping more than 100,000 Asian-Americans not fluent in English to vote. In 2001, John Liu was elected to the City Council, becoming the first Asian-American elected to a major legislative position in the city with the nation's largest Asian-American population. These are just a few of the hundreds of contemporary challenges to the right to vote that need our attention (without even mentioning recent judicial decisions intended to weaken the power of the Voting Rights Act). Unless we re-authorize and strengthen every vital provision of the act, we risk the advances we have achieved.

Some Americans believe that when the founding fathers declared this a democratic republic, our task was done. But democracy is not a state, it is an act. On this anniversary, we must commemorate the historic victories of the civil rights movement, but we must do more than that. We must perpetuate the values of our founding through every act of government - in every state, in every city, in every locality across America - and continually establish our commitment to justice.

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